

UNITED STATES DISTRICT COURT

for the

District of Oregon



United States of America

v.

WENDY CRUZ ACOSTA;
EDIN JOSUE SOTO REYES; and
BERLIN FABRICIO ACOSTA VALLE,*Defendant(s)*

Case No. 3:23-MJ-00014

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 23, 2023 in the county of Multnomah and elsewhere in the
District of Oregon, the defendant(s) violated:*Code Section*21 U.S.C. §§ 841(a)(1), (b)(1)(A)
(vi), (b)(1)(A)(viii) and 846*Offense Description*Possession with Intent to Distribute (Fentanyl and Methamphetamine) and
Conspiracy

This criminal complaint is based on these facts:

See affidavit of DEA, Special Agent Kenneth Bain which is attached and incorporated fully by reference

☒ Continued on the attached sheet.*/s/ Signed by Telephone**Complainant's signature*

Kenneth Bain, Special Agent, DEA

Printed name and title

Sworn to by telephone or other reliable means at _____ a.m./p.m. in accordance with Fed. R. Crim. P. 4.1

Date: January 24, 2023
*Judge's signature*City and state: Portland, Oregon

JOLIE A. RUSSO, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss:

AFFIDAVIT OF KENNETH BAIN

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Kenneth Bain, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Drug Enforcement Administration (“DEA”) and have been since January 2022. I am currently assigned to the DEA Seattle Field Division (SFD) Portland District Office (PDO). As a Special Agent of the DEA, I have participated in numerous drug investigations as either the lead case agent or as a supporting investigative agent, including in Title III wiretap investigations of violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et seq.* I have received specialized training from the DEA, to include a 17-week Basic Agent Training course and other training courses. I have been involved in conducting long-term, international and complex conspiracy investigations. Prior to my assignment to the PDO, I was a sworn law enforcement officer in the state of Florida with the University of Florida Police Department for six years. During that time frame, I was assigned to Patrol for the first four years. For the last two years, I was assigned to the Gainesville DEA office, under the Miami Field Division, as a deputized Task Force Officer. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for the following individuals:

- **Wendy Cruz ACOSTA (“ACOSTA”);**
- **Edin Josue SOTO Reyes (“SOTO”); and**
- **Berlin Fabricio Acosta VALLE (“VALLE”)**

for the crimes of possession with intent to distribute controlled substances (including fentanyl, a Schedule II controlled substance) in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi), (viii) and 846 on January 23, 2023. As set forth below, there is probable cause to believe, and I do believe, that **Wendy Cruz ACOSTA, Edin Josue SOTO Reyes, and Berlin Fabricio Acosta VALLE** violated 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi) and (viii) and 846.

3. This affidavit is intended only to show that there is sufficient probable cause for the requested arrest warrants and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Applicable Law
Target Offenses

4. Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(vi) and (viii) and 846 makes it illegal to possess controlled substances (fentanyl and methamphetamine) with intent to distribute them, and to conspire to do so. This offense is punishable by 10 years to life imprisonment, a fine of up to \$10 million, and five years' supervised release.

Sources of Information

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statement of Probable Cause

Background of Investigation

7. DEA Portland office in conjunction with Federal Bureau of Investigation (FBI), Vancouver, Washington office, (hereinafter collectively “investigators”) are investigating the [REDACTED] a DTO suspected of importing heroin and counterfeit oxycodone pills, suspected to contain fentanyl, from Mexico into the United States for further distribution in California, Oregon, and Washington. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Based on my training and experience and the facts of this investigation so far, I believe Seattle is a regional source city for counterfeit Oxycodone pills

containing fentanyl. I know that pricing for these pills vary based upon quality, and quantity purchased, and that sub-dollar prices are consistent with the prices that large-scale traffickers pay due to their wholesale business dealings. From this information investigators identified one of SOTO's fentanyl pill sources to be located from a Seattle, Washington based source of supply.

[REDACTED]

13. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

14. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

January 23, 2023: [REDACTED]

Seattle Supplier to Resupply SOTO with Drugs

15. On January 23, 2022, at approximately 12:30PM, while monitoring stationary video surveillance, investigators observed **ACOSTA** and **SOTO** in the parking lot of their known residence, 16836 SE Stark Street, Portland, Oregon. Investigators observed **SOTO** and **ACOSTA** meet with unknown males in a black Mercedes sedan, [REDACTED], the vehicle was registered out of Burien, Washington a suburb of Seattle. Unknown Male 1 (UM-1) who was a passenger in the Mercedes sedan, walked to the rear passenger door and appeared to look at something. Shortly thereafter, **SOTO** walked over and looked at the same area then removed a weighted white trash bag from the Mercedes and placed it in the Audi sedan that **SOTO** and **ACOSTA** were known to travel in. Investigators then observed UM-1 sit in the front passenger seat of the Mercedes and count what appeared to be U.S. currency that **SOTO** had given him. Below are surveillance images of the suspected drug transaction:

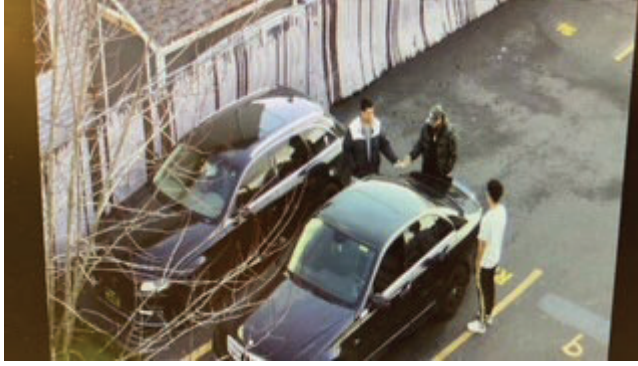


Figure 1: **SOTO** handing suspected courier money



Figure 2: Suspected courier counting money in vehicle

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. Shortly thereafter, investigators used court-authorized geolocation data for **ACOSTA's Target Cellphone 2**, to locate the Audi in the parking lot of Chepe's restaurant (17539 SE Stark St, Portland, Oregon). Using the stationary video surveillance investigators did not see the white trash bag removed from the Audi prior to its departure. At approximately 12:55PM, investigators then established surveillance in the area of Chepe's Restaurant. Chepe's restaurant is approximately 0.3 miles away from the parking lot where the drug transaction occurred. Investigators do not believe any stops were made in between the parking lot and when investigators located the Audi at Chepe's restaurant. At approximately 1:45PM, investigators observed **VALLE** meet with **SOTO** and **ACOSTA** at the Audi, then drive away westwards on SE Stark Street.

18. At approximately 1:47PM, investigators observed the Audi, driven by **SOTO** with **ACOSTA** in the passenger seat, exit the parking lot and travel west on SE Stark Street. Shortly thereafter, investigators with the assistance of Portland Police Bureau conducted a traffic stop on the Audi near the intersection of SE 174th Avenue and SE Alder Street.

19. Investigators approached the Audi and asked if there were any drugs or weapons in the vehicle, **SOTO** stated, “No.” **SOTO** and **ACOSTA** then gave verbal consent to investigators to search the vehicle. Investigators also believed there was probable cause to search the Audi pursuant to the mobile vehicle exception. Investigators located a white bag in the backseat consistent with the size and shape of the white bag **SOTO** had received from the man in the Mercedes and placed in the Audi as described above. Inside the bag were multiple vacuum sealed bags and clear, plastic baggies containing 3,125 gross grams (including packaging materials) of small, blue pills stamped “M30” underneath discarded trash. Based on my training and experience, and the facts of this investigation, I recognized these pills as consistent with other counterfeit oxycodone pills containing fentanyl. The pills were packaged in large volume, inconsistent with lawfully obtained pills from a pharmacy.

20. Inside the trunk, investigators located a Wal-Mart shopping bag containing clear bags, further containing 946.8 gross grams (including packaging materials) of clear, crystal like substance, suspected to be methamphetamine. Investigators located a black backpack containing 320.9 gross grams of suspected methamphetamine, 84.7 gross grams of suspected heroin, 336.6 gross grams of suspected fentanyl powder, and 291.9 gross grams of small, blue pills stamped “M30”, suspected to contain fentanyl in the trunk. Investigators located a black, plastic bag containing 139.6 gross grams of small, blue pills stamped “M30” in **ACOSTA**’s purse that she

was holding. Both **SOTO** and **ACOSTA** were arrested and transported to the DEA Portland District Office for processing. Below are photos of the drugs seized from the Audi:



Figure 3: Pills located in white trash bag



Figure 4: Methamphetamine found in trunk

Investigators Stop VALLE and Seize More Drugs

21. At approximately 3:00PM, investigators observed **VALLE** leave from the area of **ACOSTA** and **SOTO**'s apartment complex and walk towards the black Acura SUV that **VALLE** had been observed driving from the meeting with **SOTO** and **ACOSTA** earlier that afternoon. Investigators then observed **VALLE** approach and enter the vehicle. Additionally, investigators observed court authorized geolocation information that showed **VALLE** in the vicinity of **ACOSTA**'s apartment. **VALLE** appeared to be looking around and looking at his phone. Investigators who were wearing vests with police insignias, ordered **VALLE** out of the vehicle and detained him.

22. Investigators told **VALLE** they were with the DEA and asked if there was drugs within the vehicle, to which he stated yes. **VALLE** then gave investigators consent to search the Acura and his person. Investigators located approximately 169.1 gross grams of small, blue pills stamped "M30", suspected to contain fentanyl, in multiple clear, plastic baggies, as well as

approximately 129.3 gross grams of clear, plastic baggies containing a white powder, suspected to be fentanyl, in the pockets of a jacket in the backseat of the vehicle. Investigators also located an undetermined amount of U.S. currency in **VALLE**'s pants pocket. Investigators arrested **VALLE** and transported him to the DEA Portland District Office for processing.

23. Representative samples of the suspected meth, heroin, fentanyl pills, and fentanyl powder tested presumptive positive. Based on my training, experience, and knowledge of this investigation, as well as **Wendy Cruz ACOSTA, Edin Josue SOTO Reyes, and Berlin Fabricio ACOSTA VALLE** statements to investigators, I believe the M30 pills and methamphetamine were for distribution.

24. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Conclusion

25. Based on the foregoing, I have probable cause to believe, and I do believe, that **Wendy Cruz ACOSTA, Edin Josue SOTO Reyes, and Berlin Fabricio Acosta VALLE** committed the crime of possession with intent to distribute and conspiracy to possess with intent to distribute and distribute controlled substances, including fentanyl and methamphetamine – in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi) and (viii) on January 23, 2023.

26. I therefore request that the Court issue a criminal complaint and arrest warrants for **Wendy Cruz ACOSTA, Edin Josue SOTO Reyes, and Berlin Fabricio Acosta VALLE**.

27. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Paul Maloney and AUSA Maloney advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

28. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the individual to be arrested is relevant to an ongoing investigation, and any disclosure of the individual's arrest at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause

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destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ Kenneth Bain By Phone

Kenneth Bain
Special Agent
Drug Enforcement Administration

Sworn by telephone or other reliable means at 8:30 a.m./~~p.m.~~ in accordance with the requirements of Fed. R. Crim. P. 4.1. January 24, 2023

Jolie A. Russo
JOLIE A. RUSSO
United States Magistrate Judge